



**State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES**

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August 30, 2002



**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY  
No. WMD 02-28**

North Atlantic Energy Services Corporation  
P.O. Box 300  
Seabrook, New Hampshire 03874

Attn: Mr. Ted Feigenbaum, Chief Nuclear Officer

**Re: North Atlantic Energy Services Corporation  
Seabrook, New Hampshire  
EPA ID # NHD081257446**

Dear Mr. Feigenbaum

On June 20 & 21, 2002, the Department of Environmental Services (DES) conducted an inspection of the North Atlantic Energy Services Corporation (NAESCO). The purpose of the inspection was to determine NAESCO's compliance status with RSA 147-A and its implementing regulations, the New Hampshire Hazardous Waste Rules (codified as Env-Wm 100-1100).

Please note that the findings summarized in this correspondence relate only to deficiencies in your hazardous waste program and do not preclude other additional findings under other statutes implemented by DES's Water Division. As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

**1. Env-Wm 502.01 - Hazardous Waste Determination**

At the time of the inspection, NAESCO had not performed adequate waste determinations for the following degreasing wastes:

- A. Waste "Agitene", shipped as nonhazardous waste using waste code MA01 on January 18, 2002;
- B. Waste "EPA2000", shipped as nonhazardous waste using waste code MA99 on January 10, 2002;
- C. Waste "Petroleum Solvent", shipped as nonhazardous waste using waste code MA01 on January 18, 2002.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requests that NAESCO analyze its waste "Agitene", "EPA2000", and "Petroleum Solvent" to complete adequate hazardous waste determinations. NAESCO currently manages and disposes of these three waste streams as nonhazardous wastes based on profiles completed using generator knowledge of the degreasing agents only. DES believes other constituents may be present in these waste streams such as heavy metals (cadmium and lead) introduced during the degreasing processes. Should the waste "Agitene", "EPA2000", and/or "Petroleum Solvent" prove to have hazardous waste characteristics, the assignment of the appropriate hazardous waste numbers would be required.

This waste determination should be made using analytical testing. Laboratory analysis should include, at a minimum, Toxicity Characteristic Leaching Procedure for RCRA metals and organics under Env-Wm 403.06, and ignitability under Env-Wm 403.03. The waste stream should be sampled at the point of generation. Please note that a representative sample is defined in Env-Wm 110.01(b)(107) as, "a sample of a universe or whole that can be expected to exhibit the average properties of the universe or the whole." NAESCO will need to provide the results of the hazardous waste determinations, along with any other supporting data, such as Material Safety Data Sheets (MSDS) and chemical analyses, to DES. For your convenience, enclosed is a list of laboratories that perform hazardous waste analysis.

2. Env-Wm 507.01(a)(3) – Storage Requirements

At the time of the inspection, two (2) 1-gallon containers of hazardous waste paint observed in the Lube Oil Storage Building were not closed. (See hazardous waste container inventory).

Env-Wm 507.01(a)(3) requires generators to ensure that containers storing hazardous waste be closed at all times, except when waste is being added to or removed from the containers.

DES requests that NAESCO ensure that containers storing hazardous waste remain closed at all times, except when adding or removing waste from the containers.

*In a June 27, 2002, submittal from Mr. Robert Nicholson, documentation was provided substantiating compliance with DES's closed container requirements. No further action is required.*

3. Env-Wm 507.03(a)(1)a. – Storage Requirements

At the time of the inspection, the two (2) 1-gallon containers of hazardous waste paint observed in the Lube Oil Storage Building were not marked with beginning accumulation dates (See hazardous waste container inventory).

Env-Wm 507.03(a)(1)a. requires that all containers used for the storage of hazardous waste be marked with the beginning accumulation date at the time they are first used to store hazardous wastes.

DES requests that NAESCO properly mark all containers of hazardous waste with the beginning accumulation date at the time they are first used to store waste.

*In a June 27, 2002, submittal from Mr. Robert Nicholson, documentation was provided substantiating that hazardous waste containers were marked with the beginning accumulation dates. No further action is required.*

4. Env-Wm 507.03(a)(1)b. and d. – Container Marking

At the time of the inspection, the two (2) 1-gallon containers of hazardous waste paint observed in the Lube Oil Storage Building were not marked with the words “hazardous waste” and the EPA or state waste number (See hazardous waste container inventory).

DES also observed, in the Hazardous Waste Storage Facility, that the following hazardous waste containers had not been marked with the EPA or state waste number:

- A. One (1) 55-gallon container of hazardous waste “Cutzol”; and
- B. One (1) 55-gallon container of hazardous waste “Broken Bulbs.”

Env-Wm 507.03(a)(1)b. and d. require that all containers used for the storage of hazardous waste be marked with the words “hazardous waste” and the EPA or state waste number at the time they are first used to store hazardous wastes.

DES requests that NAESCO properly mark all containers of hazardous waste with the words “hazardous waste” and the EPA or state waste number at the time they are first used to store waste.

*In a June 27, 2002, submittal from Mr. Robert Nicholson, documentation was provided substantiating that hazardous waste containers were marked with the words “hazardous waste” and the EPA or state waste number. No further action is required.*

5 Env-Wm 509.02(a)(1) – General Inspection Requirements

A review of NAESCO’s Hazardous Waste Inspection Checklist revealed: 1) the time of inspection; and 2) the date and nature of repairs or remedial actions taken, were not documented.

Env-Wm 509.02(a)(1), which references 40 CFR 265.15, requires full quantity generators to conduct and document inspections of the facility, including hazardous waste storage areas. The inspections are required to be recorded in a log which includes the area being inspected, the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of the repairs or other remedial actions taken.

DES requests that NAESCO amend the existing Hazardous Waste Inspection Checklist to reflect the time of inspection, and the date and nature of any necessary repairs or remedial actions taken. Please submit an updated Hazardous Waste Inspection Checklist to DES.

*In the submittals dated June 27, 2002 and July 11, 2002, Mr. Robert Nicholson provided documentation substantiating that the Hazardous Waste Inspection Checklist has been amended to include the time of inspection, and the date and nature of any necessary repairs or remedial actions taken. No further action is required.*

6 Env-Wm 509.02(a)(3) Requirements for Ignitable and Reactive Wastes

At the time of the inspection, NAESCO had not posted a "No Smoking" sign near ignitable wastes in the Hazardous Waste Storage Facility.

Env-Wm 509.02(a)(3), which references 40 CFR 265.17, requires that generators post a "No Smoking" sign wherever there is a hazard from ignitable or reactive wastes.

DES requests that NAESCO post a "No Smoking" sign near ignitable wastes stored in the Hazardous Waste Storage Facility.

*In a June 27, 2002, submittal from Mr. Robert Nicholson, documentation was provided substantiating that "No Smoking" signs were placed in facility areas where ignitable wastes are stored. No further action is required.*

Env-Wm 509.02(a)(5) Contingency Plan

A review of NAESCO's contingency plan revealed deficiencies regarding the following

- (a) Description and capabilities of emergency equipment
- (b) Description/sketch of the primary evacuation route and alternate evacuation routes;
- (c) The specific information to provide to local authorities during an emergency;
- (d) The methods for monitoring facility equipment if there is a work stoppage;

- (e) Procedures for providing treatment, storage, or disposal of hazardous waste resulting from an emergency;
- (f) Instructions to ensure that a waste which is incompatible with the released material is not treated, stored, or disposed of until cleanup procedures are completed;
- (g) Instructions to notify local authorities that the facility is in compliance with 40 CFR 265.56(h)(1) & (2) before resumption of activities; and

The facility contingency plan did not list the specific elements to be included in a 15-day report, listed in 40 CFR 265.56(j), that address details of the incident.

Env- Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requests that NAESCO revise and update its contingency plan to correct any deficiencies as identified in the enclosed Hazardous Waste Generator RCRA Inspection Checklist. Enclosed please find a suggested outline for a contingency plan which may also be useful as a guide.

**8. Env-Wm 509.02(b) – Emergency Posting**

At the time of the inspection, the emergency postings at the nearest telephones to the Lube Oil Storage Building and the Hazardous Waste Storage Facility were present but incomplete.

Env-Wm 509.02(b) requires that full quantity generators shall post a list of the steps to take if an emergency occurs and the following emergency numbers at the nearest telephone to the hazardous waste storage area:

The emergency coordinators (home and office);

The fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24-hour response team designated to provide emergency services whose number is posted; and

The location of fire extinguishers and spill control material, and, if present, fire and internal emergency alarms.

DES requests that NAESCO post the required information at the nearest telephone to the two above-referenced hazardous waste storage areas. Enclosed is a sample emergency posting for your reference.

*In a July 11, 2002, submittal from Mr. Robert Nicholson, documentation was provided that substantiated facility compliance with Env-Wm 509.02(b). No further action is required.*

9 Env-Wm 807.06(b)(7) - Standards for Generators of Used Oil Being Recycled

At the time of inspection, DES requested used oil determinations for the three waste streams identified below that were determined to contain greater than 5 percent oil according to the waste profiles provided by NAESCO. As a result of the June 27, 2002, NAESCO submittal, DES confirmed that used oil determinations had not been conducted for the following wastes:

- A. Diesel Generator Flush Cleaner, shipped as nonhazardous waste using waste code MA99, containing 5 to 10 percent lube oil (as stated in waste profile CH182852).
- B. Oil Contaminated with Metal Shavings, shipped as nonhazardous waste using waste code MA99, containing 70 to 80 percent cutting oil (as stated in waste profile CH182854).
- C. Metal Filter Coils/Lube Oil, shipped as nonhazardous waste, containing 5 to 10 percent lube oil (as stated in waste profile CH182856).

Env-Wm 807.06(b)(7) requires generators to conduct an initial used oil determination by analyzing it for all of the parameters specified in Env-Wm 807.02 and Env-Wm 807.03 (exclusive of PCB's if no source of PCB's is present).

DES requests that NAESCO conduct initial used oil determinations for the three above-listed waste streams for the parameters outlined in Env-Wm 807.02 and Env-Wm 807.03. These parameters include arsenic, cadmium, chromium, lead, flash point, and total halogens. NAESCO should provide the results of the used oil determinations to DES. Enclosed please find a summary of the used oil regulations and a list of analytical laboratories that perform the required testing.

10. Env-Wm 1102.03(c)(1) – Universal Waste Management

At the time of the inspection, one (1) container of universal waste lamps, located in the Hazardous Waste Storage Facility, and three (3) containers of universal waste lamps, located in the Lube Oil Storage Building were not closed.

Env-Wm 1102.03(c)(1) requires universal waste containers to be closed, except when universal waste is being added to or removed from the container.

DES requests that NAESCO ensure that containers of universal waste lamps are closed, except when universal waste is being added to or removed from the container.

*In a June 27, 2002, submittal from Mr. Robert Nicholson, documentation was provided substantiating compliance with the Universal Waste closed container requirements. No further action is required.*

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by NAESCO can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against NAESCO, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during subsequent inspections of the facility.

The written report as requested above should be addressed as follows

Kenneth W. Marschner, Administrator  
DES/WMD  
6 Hazen Drive  
Concord, New Hampshire 03301-6509

Enclosed you will find a copy of the completed Hazardous Waste Generator RCRA Inspection Checklist which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

A current, full set of the State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Jessica Cajigas or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Specific questions regarding water related issues may be directed to Sharon

Ducharme of DES's Water Division at 271-3307, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth W. Marschner", is written over a large, bold, black word "COPY".

Kenneth W. Marschner, Administrator  
Waste Management Programs  
Waste Management Division

CERTIFIED MAIL RRR# 70993400000297731212

cc: DB/RCRA/LOD/Archives  
Philip J. O'Brien, Ph.D., Director, WMD  
Gretchen Rule, Administrator, DES Legal Unit  
Robert Nicholson, Environmental Management Representative, North Atlantic Energy Services Corporation

E-mail: JJD/SD/SD/PM/SL

Enclosure: Inspection Checklist  
Hazardous Waste Container Inventory  
NHDES List of "Laboratories that test hazardous waste"